

By



h.B. No. 3474

A BILL TO BE ENTITLED

AN ACT

relating to the regulation of the fitting and dispensing of hearing instruments and the practice of audiology and speech pathology.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 14, Chapter 366, Acts of the 61st Legislature, Regular Session, 1969 (Article 4566-1.14, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 14. Duty of a license holder. (a) every person engaged in the fitting and dispensing of hearing instruments in this state shall display the person's license in a conspicuous place in the person's principal office and whenever required, exhibit the license to the committee or its authorized representatives.

(b) Every license holder shall deliver to each person supplied with a hearing instrument, by the license holder or under the license holder's direction, a bill of sale which shall contain the license holder's signature, the license holder's license, a description of the make and model of the hearing instrument furnished and the amount charged for the hearing instrument, and whether the hearing instrument is new, used, or rebuilt.

(c) An individual licensed under this Act shall seek personally or through proper referral channels to obtain the following minimal information on each prospective candidate for amplification:

(1) pertinent case history;

1 (2) otoscopic inspection of the outer ear, including canal and
2 drumhead;

3 (3) evaluation of hearing acuity utilizing puretone techniques
4 via air and bone conduction pathways through a calibrated system;

5 (4) an aided and unaided speech reception threshold and
6 ability to differentiate between the phonemic elements of the
7 language through speech audiometry, utilizing a calibrated system
8 or other acceptable verification techniques; and

9 (5) verification of satisfactory aided instrument performance
10 by use of appropriate sound field speech, noise, or tone testing,
11 utilizing a calibrated system.

12 (d) A licensed hearing instrument fitter and dispenser or
13 licensed audiologist shall not sell a hearing instrument to a
14 person under 18 years of age unless the prospective user, parent,
15 or guardian has presented to the hearing instrument fitter and
16 dispenser or audiologist a written statement signed by a licensed
17 physician specializing in diseases of the ear that states that the
18 patient's hearing loss has been medically evaluated and the patient
19 may be considered a candidate for a hearing instrument. The
20 evaluation must have taken place within the preceding six months.

21 (e) If audiometric testing is not conducted in a stationary
22 acoustical enclosure, sound level measurements must be conducted at
23 the time of the testing to ensure that ambient noise levels meet
24 permissible standards for testing threshold to 20 dB based on the
25 most current American National Standards Institute (ANSI) "ears
26 covered" octave band criteria for Permissible Ambient Noise Levels
27 During Audiometric Testing. A dBA [~~equivalent~~] level may be used

1 to determine compliance. The committee shall adopt rules necessary
2 to enforce the provisions of this subsection.

3 SECTION 2. Section 9A, Chapter 381, Acts of the 68th
4 Legislature, Regular Session, 1983 (Article 4512j-9A Vernon's Texas
5 Civil Statutes), is amended to read as follows:

6 Sec. 9A (a) A person licensed as a speech-language
7 pathologist under this Act, may not fit, dispense, or sell hearing
8 aids unless the person meets the specific requirements for fitting
9 and dispensing hearing aids under this Act or Chapter 366, Acts of
10 the 61st Legislature, Regular Session, 1969 (Article 4566-1.01 et
11 seq., Vernon's Texas Civil Statutes), and its subsequent
12 amendments.

13 (b) A person who meets the requirements of this Act for
14 licensure as an audiologist or audiologist intern who fits and
15 dispenses must:

16 (1) register with the board the person's intent to fit and
17 dispense hearing aids;

18 (2) adhere to the profession's code of ethics;

19 (3) comply with the federal Food and Drug Administration
20 guidelines required for fitting and dispensing hearing aids;

21 (4) provide a written contract for services in this state that
22 contains the name, mailing address, and telephone number of the
23 board; and

24 (5) follow the guidelines adopted by board rule for a 30-day
25 trial period on every hearing aid purchased.

26 (c) If audiometric testing is not conducted in a stationary
27 acoustical enclosure, sound level measurements must be conducted at

1 the time of the testing to ensure that ambient noise levels meet
2 permissible standards for testing threshold to 20 dB based on the
3 most recent American National Standards Institute "ears covered"
4 octave band criteria for permissible ambient noise levels during
5 audiometric testing. A dBa [~~equivalent~~] level may be used to
6 determine compliance. The board shall adopt rules necessary to
7 enforce this subsection.

8 (d) A licensed hearing aid fitter and dispenser or licensed
9 audiologist may not sell a hearing aid to a person under 18 years
10 of age unless the prospective user, parent, or guardian presents
11 the hearing aid fitter and dispenser or audiologist with a written
12 statement signed by a licensed physician who specializes in
13 diseases of the ear that states that the prospective user's hearing
14 loss has been medically evaluated during the six-month period
15 preceding the date the statement is presented and that the
16 prospective user may be considered a candidate for a hearing
17 instrument.

18 SECTION 3. This Act takes effect September 1, 1997.

19 SECTION 4. The importance of this legislation and the crowded
20 condition of the calendars in both houses create an emergency and
21 an imperative public necessity that the constitutional rule
22 requiring bills to be read on three several days in each house be
23 suspended, and this rule is hereby suspended.

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By

Tracy O. Kij

Relating to the regulation of the fitting and dispensing of hearing instruments and the practice of audiology and speech pathology.

MAR 14 1997

Filed with the Chief Clerk

MAR 18 1997

Read first time and referred to Committee on Public Health

Reported favorably (as amended)
(as substituted)

Sent to Committee on (Calendars)
(Local & Consent Calendars)

Read second time (comm. subst.) (amended); passed to third reading (failed) by a (non-record vote)
(record vote of yeas, nays, present, not voting)

Constitutional rule requiring bills to be read on three several days suspended (failed to suspend)
by a vote of yeas, nays, present, not voting

Read third time (amended); finally passed (failed to pass) by a (non-record vote)
(record vote of yeas, nays, present, not voting)

Engrossed

Sent to Senate

CHIEF CLERK OF THE HOUSE

OTHER HOUSE ACTION:

Received from the House

Read and referred to Committee on _____

Reported favorably _____

Reported adversely, with favorable Committee Substitute; Committee Substitute read first time

Ordered not printed

Laid before the Senate

Senate and Constitutional Rules to permit consideration suspended by (unanimous consent)
(yeas, nays)

Read second time, _____, and passed to third reading by (unanimous consent)
(a viva voce vote)
(yeas, nays)

Senate and Constitutional 3 Day Rules suspended by a vote of yeas, nays

Read third time, _____, and passed by (a viva voce vote)
(yeas, nays)

Returned to the House

SECRETARY OF THE SENATE

OTHER SENATE ACTION:

_____ Returned from the Senate (as substituted)
(with amendments)

_____ House concurred in Senate amendments by a (non-record vote)
(record vote of _____ yeas, _____ nays, _____ present, not voting)

_____ House refused to concur in Senate amendments and requested the appointment of a conference committee
by a (non-record vote) (record vote of _____ yeas, _____ nays, _____ present, not voting)

_____ House conferees appointed: _____, Chair; _____,
_____, _____, _____

_____ Senate granted House request. Senate conferees appointed: _____, Chair;
_____, _____, _____, _____

_____ Conference committee report adopted (rejected) by the House by a (non-record vote)
(record vote of _____ yeas, _____ nays, _____ present, not voting)

_____ Conference committee report adopted (rejected) by the Senate by a (viva voce vote)
(record vote of _____ yeas, _____ nays)

hts